

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Acushnet Company, a Delaware  
Corporation,

Plaintiff,

v.

City Sports, Inc., a Massachusetts  
corporation, John Does 1-100 and XYZ  
Corporations 1-100,

Defendants.

§ CAUSE NO. \_\_\_\_\_

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§ Declaration of George Sine

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§ FILED UNDER SEAL PURSUANT

§ TO 15 U.S.C. § 1116

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George Sine hereby makes the following declaration under penalty of perjury pursuant to 28 U.S.C. §1746, as follows:

1. I am the Vice President of Golf Ball Marketing and Strategic Planning for Acushnet Company ("Acushnet"). I am over the age of twenty-one (21) years, suffer no legal or mental disabilities, and am fully competent to make this declaration. I make this declaration upon my personal knowledge and upon review of files of Plaintiff under my direction and control.

2. I graduated from Bowling Green State University in 1984 with a Bachelor of Arts in communications with a minor in marketing. I have been employed in the golf industry since September 1989, with Acushnet Company. I have been employed in marketing since January 1985, first with David K. Burnap Advertising and Public Relations; second with the Huffey Corporation; and now with Acushnet. In my position as Vice President of Golf Ball Marketing and Strategic Planning, I have had direct

responsibility for the development and introduction of more than 25 different models of TITLEIST® and PINNACLE® golf balls. I am familiar with Titleist Pro V1® golf balls.

3. The golf balls produced under the Titleist Trademarks (the “Titleist Marks”) are innovative and offer particular and consistent performance, including distance, spin, feel, dispersion, control, flight qualities (e.g., trajectory), roll characteristics, durability and appearance.

4. Each golf ball produced by Acushnet has carefully balanced components that work together as a system to ensure consistent excellent performance. The various components include, for example, a core, sometimes another inside layer around the core, a cover (which contains dimples of varying shapes, patterns, depths and styles), a highly specialized coating and the Titleist Marks, including the Model Side Stamps. Each of the components is made and/or applied to extremely close tolerances and all must work together. For example, if an external coating is not properly applied, or a different coating system is applied than was originally designed for the golf ball, the effective dimple depth can vary, and the weight and balance of the balls will vary, resulting in degraded performance and, often, a degraded appearance.

5. The specific performance characteristics of Acushnet’s golf balls are produced by, among other things, highly distinctive dimple patterns and core, casing, winding, mantle and/or cover constituents, as well as specific combinations of the same. Consumers come to know the characteristics of different TITLEIST golf balls and, because of the uniqueness of the different golf balls and their characteristics, consumers often purchase exclusively one or another model of the TITLEIST golf balls.

6. Acushnet maintains extremely high levels of product quality and customer support. Its production facilities are equally high in performance and output, and manufacture tens of millions of golf balls annually to the closest of tolerances and unmatched color, performance and durability. These efforts include, for example, x-rays of many golf balls, and a huge investment in sophisticated, computer driven inspections systems that compare the exterior appearance of each golf ball to that of the applicable manufacturing standard, resulting in the most exacting quality control standards in the industry. Acushnet has spent and continues to spend hundreds of millions of dollars on both research and development, as well as on quality control, in order to maintain its technological edge, brand value, brand equity and customer relations, including for example, the creation and reliance upon a sophisticated, patented computer and camera testing system that measures ball speed, launch angle and spin rate.

7. Each golfer has a unique launch condition profile and seeks specific golf ball performance characteristics, depending on the type of swing, style of play, golf course type and weather conditions. Acushnet makes every effort to assist its customers in selecting and identifying the golf ball most appropriate for their specific golfing needs. To this end, each and every golf ball manufactured, sold and offered for sale by Acushnet is stamped with its brand logo (e.g., TITLEIST or PINNACLE) and has a Model Side Stamp. If the Model Side Stamp is removed, or if it is mismarked, a consumer has no way to determine which model of golf ball it is. Thus, the consumer may expect entirely different performance characteristics from those that the golf ball in hand actually delivers.

8. In addition to the marking on Acushnet's golf balls and packaging, Acushnet has gone to great lengths to help consumers choose the correct golf ball for their golf games by making available golf ball selection algorithms in several forms, including a patented Golf Ball Fitting System made available to consumers at no cost in CD-ROM form or via the Internet. Acushnet's "Science Vans" tour the United States, hosting demonstration days at locations around the country to help consumers select the correct golf ball and club equipment for their games. Acushnet regularly prepares and circulates product information booklets illustrating and describing the various qualities and characteristics of each model. These product information booklets, in combination with charts highlighting various product features placed at the point of sale and on Acushnet's web-site, as well as experienced Acushnet dealers, help its end users purchase the correct model of the TITLEIST golf balls for their particular level and style of play.

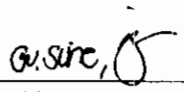
9. As a direct result of Acushnet's product support, and the high quality of Acushnet's products, the Titleist Marks, including the Model Side Stamp marks, and Plaintiff's trade names have come to represent characteristics associated with Acushnet and its various products such as -- performance -- quality -- innovation -- reliability -- and, above all, consistency. These attributes make the Titleist Marks enormously valuable assets to Acushnet and help explain why the company derives substantial sales and revenues from repeat customers.

10. On account of the aforescribed use, promotion and publicity, the Titleist Marks have acquired enormous value, and inestimable goodwill, and have become

extremely well-known and famous to the consuming public and trade as identifying and distinguishing a source of high quality products (Acushnet's products using the Titleist Marks are hereinafter referred to as the "Titleist Products").

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 23, 2005.

FURTHER DECLARANT SAYETH NOT.

  
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George Sine